

REMARKS

The office action of July 20, 2010, has been carefully considered.

It is noted that claims 1-8 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) over the patent to O'Malley in view of the patent to Talbot.

Finally, it is noted that claim 7 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. 112, second paragraph.

In view of the Examiner's rejections of the claims, applicant has canceled claims 4 and 7, amended claims 1-3, 5, 6 and 8, and added new claim 9. Support for the changes to claim 1 can be found in original claim 4 and the drawings.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-8 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Allowable claim 7 has been rewritten in independent form as new claim 9. It is submitted that this claim is in condition for allowance.

Turning now to the reference, and particularly to the patent to O'Malley, it can be seen that this patent discloses a vertical rolling mill.

The patent to Talbot discloses a vertical mill.

The Examiner combined these references in rejecting claims 1-6 and 8. Applicant submits that a combination of these references does not teach the presently claimed invention. O'Malley does not teach upper deflector plates as recited in amended claim 1. According to claim 1, the deflector plates extend downward so as to protect the cardan shafts. The plates (67) of O'Malley are not deflector plates as presently recited in amended claim 1.

In view of these considerations it is respectfully submitted that the rejection of claims 1-6 and 8 under 35 U.S.C. 103(a) is overcome and should be withdrawn.


Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 02-2275.

Respectfully submitted,

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By:


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Date: August 20, 2010